

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

Via ECF and Federal Express

October 18, 2019

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In Re Terrorist Attacks on September 11, 2001*
Status Letter

Dear Judge Netburn:

I am writing on behalf of the Plaintiffs' Executive Committees (the "PECs") in response to Your Honor's Order, dated September 23, 2019 (ECF No. 5173), requesting a status update on the progress of securing depositions of witnesses in federal custody. As detailed below, we have continued to communicate with counsel for Mamdouh Salim and Wadih el Hage and have followed up with counsel for the witness allegedly in witness security as well as with the Department of Justice (the "Government").¹

Regarding Mr. Salim's deposition currently scheduled for November 5, 2019, the PECs have been coordinating logistics with the Government, Mr. Salim's counsel, and counsel for defendants. Attorneys for the PECs have signed Special Administrative Measures ("SAMs") to facilitate taking the deposition at USP Florence ADMAX in Florence, Colorado ("Supermax") and have arranged for a court reporter and a translator. However, counsel for Mr. Salim just informed the PECs this morning that Mr. Salim may be reconsidering participating in his deposition. We intend to speak to his lawyer early next week to discuss further and will advise defendants and the Government accordingly.

Regarding the deposition of Mr. el Hage, his counsel, who also represents Mr. Salim, advised the PECs this morning that Mr. el Hage still has not consented to a deposition. We intend to speak to his counsel early next week to discuss further and will advise defendants and the Government accordingly. The PECs have inquired of the Government whether they have

¹ There have been no new developments regarding the Guantanamo Detainees.

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modified the SAMs applicable to Mr. el Hage to facilitate the deposition, but the Government has stated that they have not done so since Mr. el Hage has not yet confirmed his willingness to testify.

Regarding the witness allegedly in witness protection, the PECs have continued to work to secure this testimony and have so advised the Government.

We will promptly communicate with the Government as soon as we hear more from counsel. The PECs still need to finalize procedures with the applicable parties relating to objections and assertions of privilege and will keep Your Honor advised.

Very truly yours,

KREINDLER & KREINDLER LLP

MOTLEY RICE LLC

/s/ James P. Kreindler

James P. Kreindler
Steven R. Pounian
750 Third Avenue
New York, NY 10017
Tel.: (212) 687-8181
Email: jkreindler@kreindler.com
For the Plaintiffs' Exec. Committees

By: /s/ Robert T. Haefele

Robert T. Haefele
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
Tel.: (843) 216-9184
Email: rhaefele@motleyrice.com
For the Plaintiffs' Exec. Committees

COZEN O'CONNOR

ANDERSON KILL P.C.

/s/ Sean P. Carter

Sean P. Carter
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Tel.: (215) 665-2105
Email: scarter1@cozen.com
For the Plaintiffs' Exec. Committees

By: /s/ Jerry S. Goldman

Jerry S. Goldman
1251 Avenue of the Americas
New York, NY 10020
Tel: (212) 278-1000
Email: jgoldman@andersonkill.com
For the Plaintiffs' Exec. Committees

cc: The Honorable George B. Daniels (via Federal Express)
All Counsel of Record in the MDL (via ECF)
Alan Kabat, Esq. (via email kabat@bernabeipllc.com)
Steven T. Cottreau, Esq. (via email scottreau@jonesday.com)
Michael Kellogg, Esq. (via email mkellogg@kelloggghansen.com)
Sarah Normand, Esq. (via email Sarah.Normand@usdoj.gov)
Jeannette Vargas, Esq. (via email Jeannette.Vargas@usdoj.gov)
Andrew Krause, Esq. (via email Andrew.Krause@usdoj.gov)